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Remarks

Applicant respectfully request reconsideration of this application as amended. Claims 1, 18, 17-20, 22, 24 and 25 have been amended. No claims have been cancelled. Therefore, claims 1-27 are presented for examination.

Claims 1-7 and 12-14 stand rejected under 35 U.S.C. §102(e) as being anticipated by Franzdonk (U.S. Publication No. 2005/0021467). Further, claims 15-21 and 26-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Franzdonk. Applicant submits that the present claims are patentable over Franzdonk.

Franzdonk discloses a content distribution system comprising a distribution process and a delivery process. Within the distribution process, multiple content providers (e.g., a content producer or owner) distribute content via a network (e.g., the Internet (wireless or wired)) to content distributors (or distribution points). The distribution of content from a content provider to a content distributor may be as a multicast via satellite, as this provides an economic way to distribute content to a large number of content distributors. See Franzdonk at Paragraph [0045]. The content distributor hosts a local content server and a digital rights agent. Alternatively, the digital rights agent may be located remotely from the content distributor, and accessed by the content distributor via the network. The local content server may again be a streaming media server that streams cached (or freshly received) media. The digital rights agent operates to provide intelligent content and revenue security to content providers by processing access and revenue criteria, personalizing content for delivery to a content destination, and personalizing and managing key delivery to a content destination. Broadly, the digital rights agent 28 operates securely to authenticate a content destination (e.g., utilizing secure tokens and X.509 certificates), securely to retrieve

and cache product key information and content rights (e.g., access criteria), and to forward processed transactions to a commerce service provider (e.g., a CRM operator) that provides billing and clearance services. For example, a digital rights agent may evaluate a content request, received at the content distributor 20 from a content destination, based on access criteria specified by a content provider, local date and time information, and user credentials and authentication. If a content destination is authorized and/or payment is cleared, requested content might optionally be decrypted, personally watermarked, personally re-encrypted and delivered to the content destination (Paragraph [0045]).

Claim 1 of the present application recites modifying a software package by changing a name portion of a file to include information while preserving a digitally signed data portion. Applicant submits that nowhere in Franzdonk is there disclosed, or reasonably suggested, modifying a software package by changing a name portion of a file and preserving a digitally signed data portion of the file. Therefore, claim 1 and its dependent claims are patentable over Franzdonk.

Independent claim 15 includes features similar to those recited in claim 1. Thus claim 15 and its dependent claims are patentable over Franzdonk for the reasons discussed above with respect to claim 1.

Claims 8 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Franzdonk in view of Pou et al. (U.S. Publication No. 2005/0004873). Applicant submits that the present claims are patentable over Franzdonk even in view of Pou.

Pou discloses techniques and systems for managing digital rights can be implemented to protect against unauthorized copying of digital content and to help ensure payment to content owners and distributors. Digital wrappers can be applied to data files to prevent

access without a valid authorization. Information relating to authorizations to access data files and/or keys for accessing the data files may be stored and retrieved using data stored in a non-volatile storage area of a user device. Software on the user device can be used to recognize files and to apply digital wrappers to recognized files. See Pou at Abstract.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully request the rejections be withdrawn and the claims be allowed.

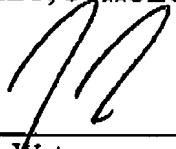
The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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